

**AGENDA:** April 22, 2003

**8.1**

**CATEGORY:** Items Initiated by Council

**DEPT.:** City Council

**TITLE:** Encourage the Formation of an Ethics  
Advisory Board by the League of California  
Cities

### **RECOMMENDATION**

Approve recommending that the League of California Cities (League) create an ethics advisory board (EAB).

### **FISCAL IMPACT**

There is no fiscal impact directly associated with the recommendation of the creation of an ethics advisory board at the League. If the EAB comes to fruition, there may be nominal costs associated with participation and staff support of the activities of the EAB.

### **BACKGROUND AND ANALYSIS**

Currently, training on ethical behavior is offered through numerous State and national conferences, local forums and independent workshops and classes. Most elected and appointed officials participate in some form of ethics education during their tenure as a city representative. Nevertheless, there continue to be instances in California and across the country where city officials violate ethical precepts. When it appears as though an ethical violation may have occurred, councilmembers and city staff are immediately placed in a position where they must respond appropriately, with due consideration to issues of privacy, open meeting law requirements, the legal rights of the accused and other complicated topics. Most city officials have little experience handling ethics violations and, therefore, it is difficult for them to respond to all of the aforementioned issues in a timely fashion. It is clear that the League is committed to furthering their members' abilities to avoid ethical violations; however, I believe it would also be valuable for the League to provide guidance to elected officials after the potential occurrence of an ethical violation.

Recently, the League renewed its commitment to educating city officials about issues related to ethics. Goal No. 3 of the League's 2003 Strategic Goals and Strategies (Attachment 1) is entitled "Restore Public Confidence in Government, Particularly City Governments," specifically called for the formation of an ethics education task force that will:

- Evaluate current education offerings by the League for elected and appointed officials.
- Evaluate the need to develop ethics education and certification programs for elected and appointed city officials.
- Explore and implement expanded distance learning (i.e., on-line) ethics programs.

- Evaluate current League programs for recognizing excellence in ethics in city government and assess need for new programs.
- Work with the Institute for Local Self-Government, CSAC, CSBA and other local government groups to assess the need for new ethics education and training.
- Implement appropriate public relations or member education programs after completion of earlier strategies.

Building on this commitment to educate League members about ethics, I believe the League should consider the creation of an ethics advisory board. The League would be an excellent venue for this type of board because of its large and diverse membership and its effective lines of communication among its members.

The EAB would provide League members with an established pipeline through which they could obtain guidance from other city officials who are experienced in dealing with ethical issues. Board members could include councilmembers, city managers and city attorneys from across the State who would be on call to help cities respond to ethics-related concerns and issues. The members of the EAB would, through both mandatory training and work experience, understand how to develop a process to address a potential ethical violation that meets the requirements of open meeting laws while also protecting the rights and privacy of the accused official. EAB members could be required to commit to at least one day of training and two to three days of service per year. When an ethics issue is brought to the League, the League could assign an advisory team consisting of three members of the EAB to consult with the city requesting assistance. Team members would volunteer their time and the requesting city would cover all expenses related to the delivery of the advisory services. In order to avoid overreaching, the EAB would limit its services to advising on processes that have been used elsewhere and are clearly applicable to the situation raised by the city requesting assistance. The EAB would not recommend solutions, provide follow-up after the consultation visit or have any legal responsibility for the actions that are ultimately taken to address the situation.

## **CONCLUSION**

The League's emphasis on ethics is well placed. Local officials are in the best possible position to strengthen their citizens' faith in government because they work directly and closely with their constituents. When ethics violations occur, all elected officials must deal with them properly, fairly and forthrightly. The establishment of an EAB would go a long way towards ensuring that local elected officials have the means, knowledge and resources to deal with these issues in a timely manner.

Therefore, I recommend Council approval of the City encouraging the League Board of Directors to consider establishing an ethics advisory board.

## **PUBLIC NOTICING**—Agenda posting.

Prepared by:

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MLZ/JP/6/CAM  
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Attachment: 1. League of California Cities 2003 Strategic Goals and Strategies